

TOWN OF RICHMOND

PUBLIC INDECENCY ORDINANCE

The Selectboard of the Town of Richmond hereby ordains:

Section 1. Authority.

This ordinance is enacted pursuant to the authority granted the Town to promote the public health, safety, welfare, and convenience contained in 24 V.S.A. § 2291. This ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

Section 2. Purpose.

It is the purpose of this ordinance to regulate public indecency, including public nudity, which is deemed to be a public nuisance.

Section 3. Definitions.

"Nudity" shall mean the showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion of the nipple, or the depiction of covered male genitals in a discernibly turgid state. The inadvertent showing of the female breast with less than a fully opaque covering of any portion of the nipple by a woman engaged in the feeding of an infant child shall not constitute nudity within the meaning of this definition.

Section 4. Public Indecency.

- A. No person shall knowingly or intentionally in a public place:
1. engage in sexual intercourse;
 2. appear in a state of nudity;
 3. fondle his/her genitals; or
 4. fondle the genitals of another person.
- B. No person who owns, leases, or controls property shall knowingly allow any person to engage in the conduct described in subparagraph A. above at any time such property is open to the public.

Section 5. Enforcement.

Any person who violates a provision of this civil ordinance shall be subject to a civil penalty of up to \$500 per day for each day that such violation continues. Police Officers of the Town of Richmond shall be authorized to act as Issuing Municipal Officials to issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint.

Section 6. Waiver Fee.

An Issuing Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee:

First Offense	-	\$50
Second Offense	-	\$125
Third Offense	-	\$200
Fourth Offense	-	\$275
Fifth and Subsequent Offenses	-	\$350

Offenses shall be counted on a calendar year basis.

Section 7. Civil Penalties.

An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation:

First Offense	-	\$100
Second Offense	-	\$200
Third Offense	-	\$300
Fourth Offense	-	\$400
Fifth and Subsequent Offenses	-	\$500

Offenses shall be counted on a calendar year basis.

Section 8. Other Relief.

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town Manager is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

Adopted at Richmond, Vermont this 21st day of October, 1996, and to be effective sixty (60) days from this date of adoption.

RICHMOND SELECTBOARD

James J. Thomas

Ellen Fitzhugh

David Johnson

Weglot Reston

Virginia Clarke

Received and Recorded

this 23rd day of October, 1996

Velma E. Godfrey
Town Clerk